

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
AUGUST 27, 2015, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM**

PRESENT:

**Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

ALSO PRESENT:

**Planning Commission Members Ro Wilkinson, Diane Adams, Julie Hullinger,
Don Buehner and Todd Staheli**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Youth City Council Mayor Gabriel Weese and the invocation was offered by Reverend Alex Wilkie.

Mayor Pike mentioned that the Electric Theater Grand Opening is taking place on Friday and Saturday, August 27 and 28, 2015.

Councilmember Bowcutt mentioned the Round Up Rodeo and other events that are taking place in conjunction with the rodeo.

Mayor Pike mentioned additional events that will be taking place throughout the City in the near future. He then introduced the Youth City Council.

Councilmember Arial commented that they are a great group of kids that will represent the City well.

Members of the Youth City Council introduced themselves after which they were sworn in by Mayor Pike.

RESOLUTION:

Consider approval of a resolution regarding contributions to the Tuacahn Center for the Arts.

Mayor Pike stated that the Council discussed this item a couple of weeks ago. He introduced representatives from Tuacahn and explained that ticket revenues from Tuacahn go to the State, County, St. George City and Ivins City. Many of Tuacahn's visitors come from out of the area. It is estimated that Tuacahn provides a \$75 million economic impact. He explained that Tuacahn opened in 1995 and they are in great need of expanding and repairing the facility. Tuacahn asked the City for more than the City can commit to; however, he hopes that this can help, noting that Hurricane, Ivins and Santa Clara have pledged to contribute. He read the proposed

resolution. Although this is a large scale contribution, the City supports other events similarly.

Councilmember Hughes inquired about the interlocal agreement.

Mayor Pike explained that would be separate from the resolution. City Attorney Shawn Guzman will work with the attorney and city manager for Ivins City.

City Attorney Shawn Guzman noted that the agreement will probably be with Ivins rather than between all of the cities in the County.

Mayor Pike stated that much of the tax revenue that comes in from hotels, restaurants, etc. goes to the County. Additionally, the County gets a significant portion of the RAP tax. He hopes that the County will follow the intent.

MOTION: A motion was made by Councilmember Hughes to approve the resolution for the City's intent to contribute to the expansion and upgrade for the Tuacahn Center for the Arts in the amount of \$25,000 per year for 20 years, even if the RAP tax is not renewed.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

Jeff Fisher with Tuacahn stated that the City has the greatest Council that he has ever worked with. He thanked the Mayor and Council for their support.

SALES AGREEMENT:

Consider authorizing the Mayor to sign a sales agreement with Michael D. Hughes, trustee of the MDHCT Trust.

City Manager Gary Esplin explained that this was discussed previously. The property, which is 4/10 of an acre, is located off Riverside Drive; the cost is \$5.50 per sq. foot. He noted that no one else can use the property.

MOTION: A motion was made by Councilmember Arial to authorize the Mayor to sign a sales agreement with Michael D. Hughes, trustee of the MDHCT Trust, at \$5.50 per sq. foot.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

DISCUSSION REGARDING STORAGE CONTAINERS IN RESIDENTIAL ZONES:

City Manager Gary Esplin explained the Council discussed this topic months ago. Staff recently received a request to allow this type of use.

Mayor Pike introduced the Planning Commission Members who are present.

Planning & Zoning Manager John Willis presented a PowerPoint presentation covering the following topics: Cargo Containers; Residential; Commercial; Commercial Use; and Residential Use. The presentation contained photos of cargo containers currently in place.

Planning Commission Member Wilkinson commented that when this was first discussed, the container could not be in the front yard; it needed to be in the rear on a certain sized lot.

Mr. Willis mentioned the ordinances that he researched had limitations on lot sizes and addressed visuals. One thing that was consistent in residential was allowing them for temporary uses in disaster situations or with construction permits.

Councilmember Arial commented that there are some lots that were originally farms, some of which have storage containers. These residents will be affected if there is a blanket restriction. She believes they should be able to keep them.

Scott Roper, owner of Kustom Containers, stated that they understand the concerns and needs. He believes that the current Planning Commission understands the need for storage containers as they haven't in the past. There is a tuff shed ordinance that regulates them; storage containers fall into that category of use.

Mr. Willis advised there is an accessory structure ordinance; staff views these as cargo containers, not a structure. They are both being used for storage, but the structures are different because of the way they are built.

Mr. Roper stated that he does not understand the difference as they are used for the same thing. When this process started, they did as much as they could to keep them nicer looking. He commented that containers are being modified for many different uses.

Councilmember Randall explained that they had to remodel their home years ago due to a fire. At that time, she does not think her neighbors would have been against having a container rather than the dumpster. There should not be a blanket ban across the board; it should depend on the size of the lot. She would rather see a cargo container than a pile of junk.

Councilmember Almquist commented that the containers are not the worst looking things in the pictures presented by Mr. Willis. He asked that color be considered when drafting the ordinance.

Councilmember Arial stated that she feels strongly that if the lot size is appropriate and the container is in the back of the lot, people should be able to have them.

Mr. Willis explained that the accessory structure ordinance limits to 25% of the rear yard, from the back of the building to the property line, not including the sides.

Mr. Roper asked how many complaints have been received. He noted that he has never had to purchase one back from a customer.

Assistant City Attorney Paula Houston stated that she does not know how many complaints have been received. It is only in residential zones that they are prohibited. Staff has not objected to them being there on a temporary basis for remodeling or disaster cleanup.

Planning Commission Member Wilkinson explained when the Planning Commission recommended approval; it was on the condition, that if permanent, it needed to be on the side on a certain sized lot, hidden from the street view.

Planning Commission Member Adams stated that in Kane County, some subdivisions allow them and some won't. The general thought process there is that it needs to be 3/4 acres and have to be the color of the house or the same color of the nearest building. She noted that her container is used for toy storage and is rodent proof.

Planning Commission Member Wilkinson commented that all verbiage should be removed from the containers.

Jonathan Zundel, resident, stated that he owns a storage container on his property. They are built out of the strongest material known to man and can withstand anything. They are engineered to be tough. The question is why people don't like them; some have bad paint jobs. Ever since this became an issue, he noticed that there are so many in the area that are good looking structures. Containers are not a building, but they are built better than any building. He was told that he has to remove his; he then passed out a packet of pictures of the container on his home. His property is 1/5 of an acre. He mentioned City ordinance that addresses these containers as accessory building or detached garages. He requested the Council give direction. The City has an ordinance that addresses shipping containers.

Assistant City Attorney Paula Houston stated, by definition, that they could be included as part of the storage sheds or accessory buildings; however, the fact is that they are cargo containers by federal definition. They have this classification and many cities throughout the country do not allow them in residential areas. Because they can be modified to look differently, some cities now allow them.

Councilmember Almquist commented that he can legally build a structure that looks just like a storage container.

Kimball Gardner, owner of OnSite Storage, stated that there a number of containers in the County. He and Mr. Roper spent a lot of money making them look good. This

is a business that will never go away. He asked that the Council be open minded of what they are trying to do.

Ed Baca, citizen, asked if Mr. Willis got a definition of temporary means in other cities and if there are mechanisms for residents who would like an extension.

Mr. Willis stated that in most cases, they are tied to a permit of some sort and can be extended under certain circumstances.

Planning Commission Member Staheli explained that the problem is with the people who have the old containers that do not care about what they look like or what the neighbors think. He mentioned a situation in which a storage container is being used as a chicken coup in the Bloomington area. Now that the chickens are in there, all of the stored items are in the back yard.

Mr. Roper stated that they sell mostly reconditioned or brand new containers. In ten years the containers will look the same as they do now. He explained that the yellow sticker shown in the pictures is their logo.

Planning Commission Member Wilkinson commented that some containers draw graffiti artists.

Planning Commission Member Buehner inquired about the home Commissioner Staheli brought up; is the container the problem or is it that it is unsightly. He asked if there were ordinances to addresses unsightly homes.

Assistant City Attorney Paula Houston replied no, there are for weeds, but not for unsightly buildings.

A discussion took place regarding the fact that cargo containers are not built as accessory structures and where they can be put.

Councilmember Hughes noted there are some citizens that have complained as they feel they are ugly. The City needs to have an ordinance that addresses the temporary issue of storage containers and refer permanent containers back to the accessory structures guidelines. He doesn't think it needs to pinpoint a lot size.

Mr. Roper asked why the neighbors have more rights than the person who owns the container.

Assistant City Attorney Paula Houston explained it would be easy to add language to the current ordinance. They will come up with a proposal and bring it back to the Planning Commission for their recommendation.

DISCUSSION REGARDING AMENDING THE TRADITIONAL NEIGHBORHOOD DISTRICT ZONE:

Stacy Young with Development Solutions presented a PowerPoint presentation covering the following topics: Discussion Outline; Traditional Neighborhood Development Characteristics; Housing Needs: St. George Community Profile; Housing Needs: Affordability; "Missing Middle" Housing; Missing Middle: Duplex; Missing Middle: Bungalow Court; Missing Middle: Other; and Implementing TND: Proposed Pilot Project.

City Manager Gary Esplin mentioned the Council visited Kentlands, Maryland years ago to look at a project there. He commented that economy of the area sometimes trumps the project. For a long time, the traditional desire was to have a large house and property. As the costs go up, this project becomes more feasible from the standpoint of affordability. He believes this proposal should be tried out in a smaller property. In this location, the key is to be walkable to churches, schools and stores.

Mr. Young commented that the cost would be much lower than a traditional home.

City Manager Gary Esplin explained that the TND was structured to look at the Little Valley area.

Planning & Zoning Manger added that the location of this site makes sense.

Mr. Baca asked what relationship mixed use has as part of commercial. He asked if that plays into this proposal.

Mr. Young explained that the code encourages a mixture of uses. He showed a video simulation and continued with his PowerPoint presentation covering the following topics: Neighborhood Overview; Entry to Neighborhood from 3000 East; Mix of Residence Types; Bungalow Court; and Street Section View.

The consensus of the Council is to move forward.

Mayor Pike called for a short recess.

DISCUSISON REGARDING THE POSSIBLE CREATION OF A CDA IN THE DOWNTOWN AREA. JOULE PLAZA, APPLICANT.

City Manager Gary Esplin commented that staff has been meeting with Mr. Wilkinson and Mr. Davis. Council is aware of their proposed project in the downtown area. They are trying to figure how to approach the creation of a CDA for those projects that need help getting off the ground. Is it feasible or is the Council interested in creating a CDA. A CDA is an area that can encourage development done through an interlocal agreement between the taxing entities. If the Council wishes to create the CDA, they will have to decide the encompassing area and if they want to offer incentives to developers. The City has never done this through actual reimbursements to the entity but through common public improvements. There has never been a project like this mixed use project. He asked both of the potential developers to submit a 'but for' proposal, which is common when cities are asked to give back property taxes. The tax base is taken as of the day the district is created. He explained how the process will work and his suggested boundaries. Both of the contemplated projects are within the suggested boundaries.

Councilmember Bowcutt commented that the tax base is limited in the Ft. Pearce area. In this area, there will be some tax base from what is already there.

City Manager Gary Esplin explained that local entities such as the School District, Water Conservancy, City and County will have to look at how long the development will take without a CDA. He commented that the number one need in the downtown area is housing. Creating a CDA will take approximately six months.

Councilmember Hughes commented that he wants to see development in the downtown area.

Mayor Pike stated that down the road, he would like to discuss property further down Main Street.

The consensus of the Council is to move forward.

DISCUSSION WITH LEISURE SERVICES REGARDING THE USE OF CITY FIELDS:

City Manager Gary Esplin commented that there are issues with available City fields, including how many fields the City be obligated to build. Staff has done research and the City has put a lot on money into keeping the fields looking good. He commented that a policy needs to be established regarding the use of City fields. The biggest demand is for practice fields. Tonight's issue is what the City needs to do for its residents.

Recreation Manager Steve Bingham introduced Nikelle Pledger, the new Recreation Coordinator for Youth Sports. He presented a PowerPoint presentation covering the following topics: Field Use Challenges; Issues; Facility Demand; Facility Availability Multiuse Fields; Facility Availability Competition Softball/Baseball; Practice Space Needs and Processes; Sports Fields – What We Currently Have; Scheduling Policy and Process; User Fees Statewide study and Philosophy; Philosophy and Procedures on Permits to Use Facilities; Priority Groups Classifications; and Trends Toward Youth Sports Businesses.

A discussion took place on non-profit sports organizations that actually make money and different fees for sports clubs.

Parks Manager Larry Shane presented a PowerPoint presentation covering the following topics: Parks Maintenance Challenges; Sports Turf; Little Valley Drainage; Steps Taken to Improve the Fields; Overseeding; SunBowl 8/29/14; 4th of July After Heavy Rain on July 3rd and Pumping All Night; and Steps That Could Be Taken.

Mr. Bingham commented that you cannot underestimate the value of having fences around the softball fields. Soccer and football fields have a higher wear factor than softball fields.

Leisure Services Director Kent Perkins presented a PowerPoint presentation covering the following topics: Sports Field – What We Currently Have; Sports Fields – Future Needs; Sports Field Master Plan; Sports Field Programming and Infrastructure; Artificial Turf Pros & Cons; Lights Pros & Cons; RAP Tax – Parks & Recreation Proposed Project List; Fields Phase V – Concept Plan; Tonaquint Heights Soccer – Phase 1 of 3; South Block Regional Park; and RAP Tax Project Priority List.

City Manager Gary Esplin suggested taking the middle option listed on the RAP Tax project priority list.

Kyle Paisley stated that he and Travis Wilkinson have been working on this issue for a long time. There a couple of issues - local use and tournament use. Tournament use builds the overuse. He commented that staff is headed in the right direction with the number of fields. Other cities need to contribute to building the needed fields.

Regarding the regional park on the south block, it needs to be done by the County. You can't ask large events to come here without releasing the majority of the money back to fund the events. Fields at Tonaquint and Little Valley would give enough to rotate and keep all of the fields in play for field sports. On the local level, money has been put aside for field development; the state board is where regional play comes in. In his opinion, he would rather see more fields than fewer fields so there is less of a fight for them. Also there is a better chance of keeping them maintained properly.

Travis Wilkinson stated that the Council has to consider a couple of artificial turf fields. Unless all fields are fenced, it will be hard to maintain them.

Mayor Pike commented that if turf fields are built, the City may only be able to build two fields instead of four.

City Manager Gary Esplin noted it is important to understand that RAP tax funds are the only funds available for these fields. He commented that parks are not built to be sports fields.

Jared Atkins stated there are not enough fields. If you research multi use grass, it is not the same grass as a baseball field or golf course.

Mayor Pike commented that the City is not behind on fields for its residents; it does not have enough fields to accommodate neighboring cities.

Councilmember Randall commented that she doesn't understand how one turf field is enough for all teams that may want to use it. Recreation Coordinator Nikelle Pledger handed out a list of the number of participants per sport.

City Manager Gary Esplin asked what the City's requirement is. He inquired if the City should provide fields for all of the City's programs as well as competition league programs, which are creating a demand that was not there before.

Mayor Pike explained that to replace the Elks Baseball Field, one of the softball fields at Bloomington Park will be removed. Additionally, the horseshoe pits have been relocated. This is where a regional approach could be nice. He stated that the way sports groups can help best is by saying how many and types of fields would work best.

Mr. Wilkinson stated that four fields with better grass works best.

Mr. Bingham explained that one of the issues is what has changed in the specialization in youth sports. The softball programs have tremendous support because of the economic impact. They have 15 teams in the 10 & under division; soccer has at least 350 teams. The economic impact is \$6.5 million annually from softball events; soccer events can be approximately \$32 million annually.

Mr. Paisley commented that soccer has a bigger economic driver than most youth sports. They can commit to get together to see what types and how many fields would be better.

Leisure Services Director Kent Perkins asked that different types of sports organizations get together to discuss field needs.

Mayor Pike advised that the City is going to proceed with a \$7 million bond against the RAP tax revenue. Staff is ready to pursue projects, getting input from other sports organizations would help.

A discussion took place regarding professional organizations passing additional costs on to the parents.

City Manager Gary Esplin stated that he hopes that this discussion shows that the City is doing something. Two extra fields are needed in order to rotate use.

Leisure Services Director Kent Perkins asked if the Council would give their okay on some of the other proposed RAP tax projects.

The consensus of the Council is to proceed with the proposed projects.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Bowcutt reported that the Planning Commission is having challenges with the proposed SunRiver development.

City Manager Gary Esplin advised the applicant withdrew his application and is working with staff on other options.

Councilmember Arial mentioned that she went to the Fire Department promotions ceremony; it was very nice. The northern corridor was heavily discussed at the recent DTEC meeting.

A short discussion took place regarding BLM management plan and water in the HCP.

Mayor Pike mentioned that he and City Manager Gary Esplin met with Commissioner Gardner this morning to express their thoughts; more discussion will take place. He reminded the Council the Electric Theater dedication will take place tomorrow night and mentioned employee meetings that will take place next Tuesday and Wednesday at the Electric Theater.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Almquist to discuss property purchase.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

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ADJOURN:

MOTION: A motion was made by Councilmember Randall to adjourn.
SECOND: The motion was seconded by Councilmember Arial.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder